

Message Text

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TO USMISSION GENEVA PRIORITY

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C O N F I D E N T I A L STATE 091602

E. O. 11652: GDS

TAGS: PFOR, UN

SUBJECT: DEFINITION OF AGGRESSION COMMITTEE

REF: GENEVA 2165

1. WHILE TEXT RE INDIRECT USES OF FORCE DISCUSSED BY SIX-POWER GROUP (PARA 1 OF REFTEL) INCLUDES ESSENTIAL ELEMENTS HERETOFORE SUPPORTED BY U. S., ADDITIONAL QUALIFICATIONS IN PROPOSED LANGUAGE (" HAVING EFFECTS ON THE LATTER STATE WHICH ARE COMPARABLE IN NATURE AND MAGNITUDE TO THOSE OF ANY OF THE FOREGOING ACTS") RAISE DIFFICULTIES.

2. THE FOREGOING ACTS REFERRED TO ARE INVASION OR ATTACK BY ARMED FORCES, MILITARY OCCUPATION RESULTING FROM INVASION OR ATTACK, ANNEXATION BY USE OF FORCE, BOMBARDMENT, BLOCKADE, ATTACK BY ARMED FORCES OF A STATE ON LAND, SEA OR AIR FORCES OF ANOTHER, USE OF ARMED FORCES CONTRARY TO TERMS OF AGREEMENT FOR THEIR PRESENCE WITHIN
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ANOTHER STATE -- ALL OF WHICH ARE OF OR ARE CONNECTED WITH THE NATURE AND MAGNITUDE OF AN ARMED ATTACK. IT IS PRECISELY FOR THE PURPOSE OF RECOGNIZING AS AGGRESSION ACTS THAT ARE NOT OF THE NATURE AND MAGNITUDE OF AN ARMED ATTACK THAT THE U. S. IS INSISTENT ON THE RECOGNITION OF INDIRECT USES OF FORCE AS AGGRESSION.

3. IN ARTICLE 6 OF THE INTER- AMERICAN TREATY OF RECIPROCAL ASSISTANCE, THE INVOCATION OF MACHINERY FOR AGREEMENT

ON APPLICATION OF COLLECTIVE MEASURES IS PROVIDED FOR " IF THE INVIOABILITY OR THE INTEGRITY OF THE TERRITORY OR THE SOVEREIGNTY OR POLITICAL INDEPENDENCE OF ANY AMERICAN STATE SHOULD BE AFFECTED BY AN AGGRESSION WHICH IS NOT AN ARMED ATTACK ..." THE HIGH- WATER MARK OF APPLICATION OF THIS ARTICLE WITH SPECIFIC REFERENCE TO AN ACT OF AGGRESSION WHICH IS NOT AN ARMED ATTACK CAME AT TIME OF DISCOVERY OF ARMS CACHE IN VENEZUELA IN 1964 WHICH VENEZUELA ESTABLISHED TO BE OF CUBAN ORIGIN AND TO HAVE BEEN SUBREPTITIOUSLY LANDED THERE IN SUBVERSIVE OPERATIONS TO OVERTHROW THE GOVERNMENT OF VENEZUELA. IN THE OAS FORUM CONVOKED FOR DEALING WITH THIS CASE, SECRETARY RUSK CATALOGUED THE FOLLOWING ACTS OF CASTRO AS EXAMPLES OF INDIRECT AGGRESSION: TRAINING IN SUBVERSIVE TECHNIQUES, TRANSFER OF FUNDS FOR SUBVERSIVE ELEMENTS, DISSEMINATION OF SYSTEMATIC AND HOSTILE PROPAGANDA, THE CLANDESTINE SHIPMENT OF BOTH ARMS AND MEN, AND HIS MAJOR EFFORT TO DISRUPT THE DEMOCRATIC ELECTIONS IN VENEZUELA. SECRETARY RUSK, AT A LATER STAGE IN THIS SAME CASE, STATED THAT "... SUBVERSION, SUPPORTED BY TERROR, SABOTAGE, AND GUERRILLA ACTION ... IS AS DANGEROUS A FORM OF AGGRESSION AS AN ARMED ATTACK ..."

4. IN THIS ILLUSTRATIVE EXAMPLE, WHICH COULD BE EXTENSIVELY SUPPLEMENTED, THE INDIRECT ACTS OF AGGRESSION NEVER CULMINATED IN THEIR INTENDED EFFECT AND THEY WOULD THEREFORE BE LACKING IN THE " NATURE AND MAGNITUDE" OF ANY OF THE ACTS CURRENTLY LISTED AS ACTS CONSTITUTING AGGRESSION IN THE DEFINITION OF AGGRESSION. IT IS PRECISELY THE INDIRECTNESS OF THE USE OF FORCE THAT WE WISH TO CHARACTERIZE AS AGGRESSION RATHER THAN THEIR ACTUAL EFFECT.

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WHILE WE HAVE IN BOTH THE FRIENDLY RELATIONS AND DEFINITION OF AGGRESSION CONTEXTS BEEN WILLING TO SPECIFY INDIRECT AGGRESSION WITHIN A MORE LIMITED SCOPE THAN THAT ENCOMPASSED IN SECRETARY RUSK' S CHARACTERIZATION, WE ARE NOT WILLING TO RESTRICT ITS MEANING FURTHER BY REQUIRING THAT THEIR EFFECTS BE EQUATED WITH THOSE OF THE MORE DIRECT AND OVERT ACTS OF AGGRESSION.

5. DEPARTMENT SUGGESTS FOLLOWING REVISION OF PROPOSED LANGUAGE IN PARA 1 OF REFTEL: " THE ORGANIZATION BY A STATE, OR ENCOURAGEMENT OF THE ORGANIZATION OF, OR ASSISTANCE TO, IRREGULAR FORCES OR ARMED BANDS OR OTHER GROUPS, VOLUNTEERS OR MERCENARIES WHICH PARTICIPATE IN THE INCURSION INTO ANOTHER STATE' S TERRITORY OR IN THE CARRYING OUT OF ACTS OF CIVIL STRIFE OR TERRORIST ACTS IN ANOTHER STATE INVOLVING A THREAT OR USE OF FORCE, OR ACQUIESCENCE IN ORGANIZED ACTIVITIES WITHIN ITS OWN TERRITORY DIRECTED TOWARDS THE COMMISSION OF SUCH ACTS."

6. WE CONSIDER THAT LANGUAGE AS NOW REVISED CONTAINS ALL OF THE ELEMENTS OF INDIRECT AGGRESSION REFLECTED IN ALTERNATIVE 2 OF WG R
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